



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
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● JUN 30 1997


From : Chief of Naval Operations  
To: Commander, Naval Facilities Engineering Command

Subj: CLARIFICATION OF NAVY ASBESTOS TRAINING REQUIREMENTS

Encl: (1) CLARIFICATION OF NAVY ASBESTOS TRAINING REQUIREMENTS

Ref: (a) NAVFACENGCOM ltr Ser 1620/40K1 of 3 October 1996

1. Reference (a) requested asbestos training clarification for facilities personnel. The **request was addressed** in depth by the CNO Asbestos Task Force during a video teleconference.
2. Specific responses to your questions are provided as enclosure (1). To **meet** the asbestos training requirements, your command may want to consider restructuring work **so** that fewer people require training (**i.e.**, by spending a greater percentage of their time on asbestos-related work).
3. Our **point of** contact is Joy Erdman, CNO N454D, (703) 602-2575.

  
J. B. TOTUSHEK  
By Direction

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## CLARIFICATION OF NAVY ASBESTOS TRAINING REQUIREMENTS

1. *Is it Navy policy that Navy employees be equally trained and accredited as contractors are required to be?*

Yes. In 1994, Congress promulgated the Asbestos in Schools Hazard Abatement Reauthorization Act (ASHARA). ASHARA modified the training requirements of the Asbestos Hazard Emergency Response Act (AHERA). The model accreditation plan (MAP) outlined in ASHARA requires that personnel who work in public and commercial buildings attend accredited training. Accreditation requirements apply to inspectors, project **designers, abatement workers and** contractor/supervisors. Navy employees who conduct any of these activities must be trained and accredited in **accordance with ASHARA**. Furthermore, **EPA** recommends project monitor training to aid in the oversight of a contractor's performance of a response action (abatement) in a public or commercial building. State and local law should also be reviewed to determine if any other legal requirements exist.

2. *If we hire the contractors to do the design/abatement work, why do the ROICC/designers need to be trained to the same level?*

Asbestos Project Designer accreditation is required for personnel who specify the type of controls necessary to abate **asbestos, per EPA's MAP**. Navy activities need accredited project designers to develop local contracts for asbestos abatement or provide design support for emergency removals. The project designer is responsible for specifying the scope of work and editing the Naval Facilities Guide Specification, **NFGS 13281, Engineering Control of Asbestos Containing Materials**. **NFGS 13281** requires project **designer** training to edit the document, per Federal regulations.

Although ROICC personnel do not need to be trained to the level of the "asbestos abatement project designer" level, they do need to be trained to the "asbestos abatement contractor/supervisor" level to insure that they have knowledge in asbestos removal requirements and are competent/qualified persons, per the

Enclosure (1)

appropriate OSHA standard. This also gives ROICC personnel the knowledge and authority to stop work when necessary. The training gives individuals a background in asbestos work practices, how change orders would affect the project, and how site conditions impact the design.

**3. Do Navy signatures on drawings and approval of other submissions such as asbestos removal plans have any liability if the Navy employees are not trained to the same level? Some facility project personnel contend they are only accepting the submissions, not technically approving the contractor's work-**

Yes, through approval of safety and/or compliance-driven workplans, the Navy may be determined to be liable under some circumstances. Therefore, it is Navy policy that, for all Navy asbestos related facilities, the Navy reviewer/design approver must be accredited as an Abatement Project Designer. The following describes in more detail why we need accredited personnel.

The contract specification should state that once the abatement plan is approved by the contracting office, it becomes enforceable as part of the contract documents. The abatement plan sets forth the containment set-up, removal procedures, and includes many other submittals, such as the disposal plan and air monitoring plans. We do not want "unauthorized approval" of these submittals. The pre-construction meeting should have representatives from the A/E firm, the abatement contractor, the ROICC, and the Asbestos Program Manager (APM) to review all submittals.

For in-house contracts, the EPA MAP accredited project designer (see discussion above) edits the specification and has approval of the plans and specifications. Other submittals should be coordinated between the ROICC and the APM for review.

Another reason for having accredited personnel prepare and accept submittals is to insure that the contract includes the most up-to-date information. Often, activities get an edited specification and do not verify if it contains current regulations or requirements; out-of-date specifications are a common problem in the field. Trained and accredited personnel should have knowledge of changes to regulations or modifications in work practices.